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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			VO, TRUONG V	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No.	Applicant(s)
	10/564,183	NAKAYAMA ET AL.
	Examiner	Art Unit
	TRUONG V. VO	2169

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 11 January 2006.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-18 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 11 January 2006 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date 07/21/2006 and 01/11/2006.
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date _____.
 5) Notice of Informal Patent Application
 6) Other: _____

DETAILED ACTION

1. This is in response to application 10/564,183 filed on July 9, 2004 in which claims 1 to 18 are presented for examination.

Status of Claims

2. Claims 1 to 18 are pending, of which claims 1, 9 and 17 are in independent form. Claim 17 is objected to. Claims 9-18 are rejected under 35 U.S.C. 101. Claims 1-3, 9-11 and 17-18 are rejected under 35 U.S.C. 102 (b). Claims 4-8 and 12-16 are rejected under 35 U.S.C. 103 (a).

Claim Objections

3. Claim 17 is objected to because of the following informalities: Replace "A program for casing a computer to" with "A program for causing a computer to". Appropriate correction is required.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.
5. Claims 9-18 are rejected under 35 U.S.C. 101 because the claimed invention is not statutory for the following reasons:

The claims lack the necessary physical articles or objects to constitute a machine or manufacture within the meaning of 35 U.S.C. 101.

For example, claim 9 discloses "a system management apparatus for associating at least a process object and at least a process that should be executed for each process object with each node in a tree structure, and operating each node based on the tree structure so as to manage the process object and the process..." does not inherently mean that the claim is directed to a machine. Only if at least one of the claimed elements of the system is a physical part of a device can the system as claimed constitute part of a device or combination of devices to be a machine within the meaning of 101.

For example, claim 17 discloses "a program for casing a computer to perform a system management process for associating at least a process object and at least a process that should be executed for each process object with each node in a tree structure, and operating each node based on the tree structure so as to manage the process object and the process, the program causing the computer to perform..." does not inherently mean that the claim is directed to a machine. Only if at least one of the claimed elements of the system is a physical part of a device can the system as claimed constitute part of a device or combination of devices to be a machine within the meaning of 101.

They are clearly not a series of steps or acts to be a process nor are they a combination of chemical compounds to be a composition of matter. As such, they fail to fall within a statutory category. They are, at best, functional descriptive material per se.

Descriptive material can be characterized as either "functional descriptive material" or "nonfunctional descriptive material." Both types of "descriptive material" are

nonstatutory when claimed as descriptive material per se, 33 F.3d at 1360, 31 USPQ2d at 1759. When functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized. Compare *in re Lowry*, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994)

Merely claiming nonfunctional descriptive material, i.e., abstract ideas, stored on a computer-readable medium, in a computer, or on an electromagnetic carrier signal, does not make it statutory. See *Diehr*, 450 U.S. at 185-86, 209 USPQ at 8 (noting that the claims for an algorithm in *Benson* were unpatentable as abstract ideas because "[t]he sole practical application of the algorithm was in connection with the programming of a general purpose computer.").

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-3, 9-11 and 17-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Kobayashi et al. (US Patent No. 6,275,825 B1).

8. **Regarding claim 1,** Kobayashi teaches a system management method for associating at least a process object and at least a process that should be executed for each process object with each node in a tree structure, and operating each node based on the tree structure so as to manage the process object and the process (i.e., see FIG. 7).

Kobayashi teaches a user registration step of performing a process for registering a user ID to be uniquely assigned to each registered user that performs operations for a general node corresponding to the process object or for a function node corresponding to the process, and storing the user ID in a storing means (i.e., see FIG. 4...the memory unit 3 stores an item access right automatic generation definition file FGF, a record access right automatic generation definition file RGF, a login management information file LMF, a login management information linking definition file LLF, a user access right management file UMF, an item access right management file FMF, a record access right management file RMF, an optimization access right management file OPF, and a user DB access right file UAF; [col. 4 lines 8-41]).

Kobayashi teaches a node number assigning step of uniquely assigning a node number to each of the general node and the function node, and storing the node number in the storing means by associating the node number with the general node or the function node (i.e., see FIG. 5, FIG. 6, FIG. 15 and FIG. 16...in order to classify the users into groups in accordance with the contents of data items represented by an item name "Field=post" of the employee information file (DB) (see FIG. 5), "department manager", "section manager", "personnel department manager", "regular employee", .

are defined in correspondence with group codes A, B, C, D, The record access right automatic generation definition file RGF defines as a record access right group information for classifying the users into groups in accordance with a user attribute, e.g., the enterprise departments to which the users belong; [col. 4 lines 42-58]).

Kobayashi teaches a node setting step of setting the function node as a child node of the general node corresponding to the process object for which the process corresponding to the function node should be performed, and setting the general node as a parent node of the function node, and storing information of the set child node into the storing means by associating the information with the general node that is the parent node (i.e., see FIG. 15...the table form has a file name column outside the table. Group columns are arranged as the column items in the table, and file data item columns are arranged as row items. A list of file names present in the database is displayed, and the user designates an arbitrary file from the list as an access target. When the file name as the access target is selected (step B2), the selected file name is displayed in the file column (step B3). Assume an employee information file is selected and designated. The file name "employee information" is displayed in the file name column. The names of data items present in the file selected as the access target are displayed in the data item columns in the table together with the table form (step B4). The group codes and their item values which are defined in the item access right automatic generation definition file FGF are read out and displayed in the group columns in the table (step B5). In this case, as shown in FIG. 15, "A, department manager", "B, section manager", "C, personnel 'staff'", and "D, regular employee" are

classified, arranged, and displayed in the group columns of the table; [col. 6 lines 19-41]).

Kobayashi teaches an authority setting step of setting registered user operation authority for each registered user for each of the general nodes, and storing the registered user operation authority into the storing means by associating the registered user operation authority with the general node (i.e., as described above, the data item names of the access target file are displayed as the row caption of the table. The codes representing the user groups and the item contents are displayed together with the table form as the column caption of the table. Access right information of each item is input and designated by describing a predetermined symbol in correspondence with each user group at each intersection of the matrix consisting of the row and column captions (step B6). In this case, when item access is permitted or allowed, a circle is written in the intersection area. When item access is inhibited, the intersection area is kept blanked. Symbols are sequentially written in the intersection areas by sequentially updating the row and column points. All information is filled in the table, the set information is transferred to and stored and managed in the item access right management file FMF (step B7); [col. 6 lines 42-56]).

Kobayashi teaches a process execution step of, when execution of the process corresponding to the function node is requested by the registered user, causing the function node to execute the process only when the process is permitted by the registered user operation authority, of the registered user requesting the process, set in the general node that is a parent node of the function node (i.e., FIG. 17A shows the

data structure of the item access right management file FMF. The data is stored in the form of "FILE"=file name, item access right group code; permitted item name; permitted item name; permitted item name; . . . When access to all the items is permitted, the permitted item names following the item access right group codes are omitted. When no item access right group code is present, no access right is present in the corresponding file. In this manner, when the item access rights are set in units of user groups, A (department manager) and C (personnel staff) are allowed to access to all the items of the employee information file, while B (section manager) is not allowed to access the items of "reward and punishment" and "application for personnel changes"; [col. 6 lines 58-67 and col. 7 lines 1-4]).

Kobayashi teaches in the authority setting step, providing a registered user in a general node with registered user operation authority including management authority for performing user registration for a predetermined node, and permitting the registered user to set registered user operation authority for other registered user within a limit of the registered user operation authority of the registered user (i.e., FIG. 10 is a flow chart showing this setting processing. Predetermined table form information is called from the access right setting table form FM (step C1). In this case, the table form has item access right group columns as the column items in the table, and record access right group columns as the row columns. A list of file names of various files present in the database is displayed, and an arbitrary file is designated from this list as an access target. When the file name is selected (step C2), the selected file name is displayed in the file name column (step C3). The user group codes and item contents which are

defined in the item access right automatic generation definition file FGF are read out and displayed in the item access right group columns in the table (step C4); [col. 7 lines 10-23]).

9. **Regarding claim 2,** Kobayashi teaches in the authority setting step, setting, for each of the general node, non-registered user operation authority that is operation authority of a non-registered user that is not registered by the user registration step, and storing the non-registered user operation authority in the storing means by associating the non-registered user operation authority with the general node (i.e., FIG. 8 is a flow chart showing the overall operation in setting an access right in the data access control apparatus; [col. 6 lines 14-15]).

Kobayashi teaches in the process execution step, when execution of the process corresponding to the function node is requested by the non-registered user, causing the function node to execute the process only when the process is permitted by the non-registered user operation authority set for the general node that is the parent node of the function node (i.e., the codes representing the user groups and the item contents are displayed together with the table form as the column caption of the table. Access right information of each item is input and designated by describing a predetermined symbol in correspondence with each user group at each intersection of the matrix consisting of the row and column captions (step B6). In this case, when item access is permitted or allowed, a circle is written in the intersection area. When item access is inhibited, the intersection area is kept blanked; [col. 6 lines 42-57]).

10. **Regarding claim 3,** Kobayashi teaches in the authority setting step, further setting, for each of the general nodes, function node operation authority for each function node, and storing the function node operation authority in the storing means by associating the function node operation authority with the general node (i.e., FIG. 10 is a flow chart showing this setting processing. Predetermined table form information is called from the access right setting table form FM (step C1). In this case, the table form has item access right group columns as the column items in the table, and record access right group columns as the row columns. A list of file names of various files present in the database is displayed, and an arbitrary file is designated from this list as an access target. When the file name is selected (step C2), the selected file name is displayed in the file name column (step C3). The user group codes and item contents which are defined in the item access right automatic generation definition file FGF are read out and displayed in the item access right group columns in the table (step C4); [col. 7 lines 10-23].

Kobayashi teaches in the process execution step, when execution of the process corresponding to the function node is requested by any of function nodes, causing the function node to execute the process only when the process is permitted by the function node operation authority, of the function node that requests the process, set for the general node that is the parent node of the function node (i.e., FIG. 17A shows the data structure of the item access right management file FMF. The data is stored in the form of "FILE"=file name, item access right group code; permitted item name; permitted item

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name; permitted item name; . . . When access to all the items is permitted, the permitted item names following the item access right group codes are omitted. When no item access right group code is present, no access right is present in the corresponding file. In this manner, when the item access rights are set in units of user groups, A (department manager) and C (personnel staff) are allowed to access to all the items of the employee information file, while B (section manager) is not allowed to access the items of "reward and punishment" and "application for personnel changes"; [col. 6 lines 58-67 and col. 7 lines 1-4]).

11. **Regarding claim 9,** is essentially the same as claim 1 except that it sets forth the claimed invention as an apparatus rather than a method and rejected for the same reasons as applied hereinabove.

12. **Regarding claim 10,** is essentially the same as claim 2 except that it sets forth the claimed invention as an apparatus rather than a method and rejected for the same reasons as applied hereinabove.

13. **Regarding claim 11,** is essentially the same as claim 3 except that it sets forth the claimed invention as an apparatus rather than a method and rejected for the same reasons as applied hereinabove.

14. **Regarding claim 17**, is essentially the same as claim 1 except that it sets forth the claimed invention as a program rather than a method and rejected for the same reasons as applied hereinabove.

15. **Regarding claim 18**, is essentially the same as claim 1 except that it sets forth the claimed invention as a computer readable recording medium rather than a method and rejected for the same reasons as applied hereinabove.

Claim Rejections - 35 USC § 103

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claims 4-8 and 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kobayashi et al. (US Patent No. 6,275,825 B1) in view of Nakayama et al. (US 2006/0190588 A1).

18. **Regarding claim 4**, Kobayashi teaches all of the limitations of claim 1 above. However, Kobayashi does not explicitly disclose “a message sending step of sending a message in which at least any one of the function node or the user is a sending origination and at least any one of function nodes is a destination, detecting presence or

absence of execution of a predetermined event process at the sending origination, and sending the message received from the sending origination according to the detection result".

Meanwhile, Robinson teaches a topic session that provides the publisher with a personal window into the topic connection; [0020]. This is similar to Kobayashi teaching of providing a user with a personal window into they information; [see FIG. 15]. Furthermore, Robinson teaches in a message sending step of sending a message in which at least any one of the function node or the user is a sending origination and at least any one of function nodes is a destination, detecting presence or absence of execution of a predetermined event process at the sending origination, and sending the message received from the sending origination according to the detection result (i.e., JSP server 12 may be used to send messages to a queue 17 or topic 18, each of which is associated with an asynchronous messaging server 19, which client 30 can access. Specifically, server 20 may be used to execute one or more applications 15 that include logic, or application software, that is operatively associated with server 20 and that utilizes messaging system and server page technologies such as, but not limited to, JMS and JSP; [0015]).

Robinson teaches in a receiving step of receiving the message to the destination, when receiving the message, sending a message having the destination as a sending origination to the destination or causing the destination to execute a predetermined event process according to a condition that is set beforehand (i.e., system 10 includes one or more clients 30, which areoperable to receive asynchronous messages and are

coupled to server 20 by one of a variety of methods, including wireless and conventional landline communication links. Server 20 may be a general or a specific purpose computer and includes JAVA ARchive (JAR) file 11, a memory 13, which may include random access memory (RAM) and read-only memory (ROM) and may, in some embodiments, include a JSP server 12; [0015]).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made, having the teachings of Kobayashi and Robinson before him/her, to modify the method of Kobayashi with the teaching of Robinson to send information between users. The motivation to combine is apparent in Kobayashi reference, because of different right setting (see Kobayashi, FIG. 15). This is a tremendously advantageous to Kobayashi because the users are able to communicate with other users that have more access right for information (see Robinson, [0001]).

19. **Regarding claim 5,** the combination of Kobayashi and Robinson teaches all of the limitations of claim 4 above. Furthermore, Robinson teaches in the message sending step and the message receiving step, sending and receiving an asynchronous message using a queue that temporarily stores the message (i.e., JSP server 12 may be used to send messages to a queue 17 or topic 18, each of which is associated with an asynchronous messaging server 19, which client 30 can access. Specifically, server 20 may be used to execute one or more applications 15 that include logic, or application software, that is operatively associated with server 20 and that utilizes messaging system and server page technologies such as, but not limited to, JMS and JSP.

Applications 15 may be stored in memory 13 and/or an input/output (I/O) device 14, which may be any suitable storage media. Applications 15 may comprise a collection of server pages such as JSPs. For example, when a JSP is executed, JMS tags encoded within the JSP cause the message data in the tag to be automatically sent to one of a queue and a topic, as specified in the JMS tag. These tags may reside in JSPs in an application 15 on server 20, and message data may be asynchronously delivered and/or retrieved from topic 18 or queue 17 by client 30 using an application programming interface (API) message retriever 31. Messages delivered may be displayed using a display (not explicitly shown) and/or stored in memory 13 and/or input/output device 14. In the embodiment illustrated in FIG. 1, one or more topics 18 and one or more queues 17 reside on an asynchronous messaging server 19, but may in different embodiments reside elsewhere, such as on client 30, or on a separate asynchronous messaging server 19; [0015]).

The limitations of claim 5 are rejected in the analysis of claim 4 above, and the claim is rejected on that basis.

20. **Regarding claim 6**, the combination of Kobayashi and Robinson teaches all of the limitations of claim 6 above. Furthermore, Robinson teaches in the message sending step and the message receiving step, sending or receiving the asynchronous message according to a priority set for each message when sending or receiving the asynchronous message (i.e., FIG. 2 illustrates an example of a method for asynchronously delivering message data using a server page that includes a scripting

language and extensible custom tag functionality according to an embodiment of the present invention. For example, asynchronous messaging technology such as JMS utilizes a ConnectionFactory to establish a connection and begin a session. This technology then allows message data to be sent to a queue or published to a topic. In this example, JMS utilizes a variety of attributes to asynchronously deliver message data, according to the implementation, that are discussed in further detail in conjunction with TABLE I, including topic, queue, ConnectionFactory, args, deliveryMode, timeToLive, priority, and debug; [0027]).

The limitations of claim 6 are rejected in the analysis of claim 5 above, and the claim is rejected on that basis.

21. **Regarding claim 7,** the combination of Kobayashi and Robinson teaches all of the limitations of claim 6 above. Furthermore, Robinson teaches in the message receiving step, when receiving the message, determining whether the message is a recursive message from the own node based on sending origination information of the message, and recursively performing message sending or the event process based on the sending origination information of the message when the message is the recursive message from the own node (i.e., client 30 may be any client operable to receive asynchronous messages such as a workstation, or wireless device. For example, a client may receive message data in an asynchronous messaging system such as JMS, or other message-oriented middle-ware systems, from a queue, or subscribe to message data from a topic. In this embodiment, client 30 includes API message

retriever 31, which is operable to retrieve messages from queue 17 and/or topic 18 on server 20. As an example, API message retriever 31 may be used to display the message on a display; [0016]).

The limitations of claim 7 are rejected in the analysis of claim 4 above, and the claim is rejected on that basis.

22. **Regarding claim 8,** the combination of Kobayashi and Robinson teaches all of the limitations of claim 6 above. Furthermore, Robinson teaches in the message receiving step, receiving only a message sent from a sending origination set in a predetermined access list (i.e., client 30 may be any client operable to receive asynchronous messages such as a workstation, or wireless device. For example, a client may receive message data in an asynchronous messaging system that the client subscribes to message data from a topic; [0016]).

The limitations of claim 8 are rejected in the analysis of claim 4 above, and the claim is rejected on that basis.

23. **Regarding claim 12,** is essentially the same as claim 4 except that it sets forth the claimed invention as an apparatus rather than a method and rejected for the same reasons as applied hereinabove.

24. **Regarding claim 13**, is essentially the same as claim 5 except that it sets forth the claimed invention as an apparatus rather than a method and rejected for the same reasons as applied hereinabove.
25. **Regarding claim 14**, is essentially the same as claim 6 except that it sets forth the claimed invention as an apparatus rather than a method and rejected for the same reasons as applied hereinabove.
26. **Regarding claim 15**, is essentially the same as claim 7 except that it sets forth the claimed invention as an apparatus rather than a method and rejected for the same reasons as applied hereinabove.
27. **Regarding claim 16**, is essentially the same as claim 8 except that it sets forth the claimed invention as an apparatus rather than a method and rejected for the same reasons as applied hereinabove.

Conclusion

28. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Truong V. Vo whose telephone number is (571) 272-1796. The examiner can normally be reached on Mon.-Thr. 7:30a.m.-5p.m..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pierre Vital can be reached on (571) 272-4215. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Truong Van Vo
T.V./tv

T. V. / f. v.

February 14, 2008

g/f

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